

### **REMARKS/ARGUMENTS**

The Final Office Action mailed March 10, 2011, has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this response, claims 1-35 remain pending in this Application. Claims 1, 2, 5, 8-9, 12, 15-21, 23, and 26-27 have been amended and claims 32-35 have been added. No new matter has been added to the amended claims or to the newly added claims. Reconsideration and allowance of this Application are respectfully requested. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

#### **Rejection under 35 U.S.C. § 103**

Claims 1, 4-8, 11-15 and 18-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman (US Patent No. 7324515), hereinafter referred to as Chapman '515, in view of Shahar (US Patent No. 7359434), hereinafter referred to as Shahar.

Independent claim 1 recites, among other things:

wherein each channel information message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type

None of the references of record disclose or suggest at least this feature of claim 1. The Office Action on pages 3-4 admits that Chapman '515 does not disclose or suggest this feature of claim 1. (See Office Action, pages 3-4, "Chapman '515 does not expressly teach that the information distribution system is configured to output downstream channel descriptor (DCD) messages over a network over downstream channels, wherein each DCD message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type.") However, on page 4, the Office Action alleges that Shahar describes this feature of claim 1.

As stated in our previous reply dated February 8, 2011 to the Non Final Office Action dated November 8, 2010:

Shahar describes a “system and method for communication between a wireless modem and wireless hub on a selected downstream channel of a plurality of downstream channels.” (See Shahar, Abstract.) In Shahar, a wireless communication scheme between multiple modems and a hub is presented. The wireless modems and the hub communicate on both downstream and upstream channels. Shahar further mentions that all downstream channels include a downstream channel descriptor (DCD) message. (See Shahar, column 6, ll. 45-47.) However, the DCD message of Shahar is not equivalent to the DCD message of claim 1. The DCD message of Shahar includes the following information: “(1) IF frequency; (2) RF Frequency; (3) Modulation type; (4) Symbol rate; (5) bandwidth; (6) roll off factor; (7) FEC Scheme; (8) Criteria for switching to another downstream channel; (9) priority information to select a downstream channel for communication for a newly initializing modem; and (10) priority information when switching to a new downstream channel for a modem already in communication with wireless hub.” (See Shahar, column 6, ll. 54-62.) None of these features are equivalent to a DCD message that “identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed. In particular, none of the components of a DCD message as discussed in Shahar relate to “network addresses associated with the one or more tunnels,” “a listing of tunnel types,” or “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed.

In fact, Shahar does not disclose or suggest the word “tunnel,” “tunnel type,” and/or “tunnel type identifier. Applicants fail to see how Shahar can disclose or suggest a channel information message with “network addresses associated with the one or more tunnels,” “a listing of tunnel types,” or “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed, if Shahar does not even disclose or suggest some of the key concepts associated with this feature. While Chapman ‘430 (US Patent No. 7349430) and Chapman ‘515 mention the use of tunnels in various communication schemes, neither of these references also discloses or suggest the use of channel information messages that include “a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed. (And, in fact, as noted previously, the Office Action on pages 3-4 admits that at least Chapman ‘515 does not disclose or suggest this feature of claim 1.) In summary, while various pieces of information are present in the messaging schemes discussed in Chapman ‘515, Chapman ‘430, and Shahar, none of these references discuss that the channel information messages include at least “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same

tunnel type,” as claimed. *If this rejection is maintained, Applicants respectfully request the Examiner to point specifically to the citation that discloses or suggests at least a channel information message with “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type,” as claimed, because the Applicants do not see how the currently cited portions of Shahar (i.e., Fig. 2, #100-114, col. 3, lines 17-21, col. 4, lines 62-65, col. 6, lines 45-62, Tables 3 & 6) disclose or suggest at least this feature of claim 1. In other words, Applicants respectfully request the Examiner to point out what concept disclosed in any of the references of record is being used to function as “a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type” in a channel information message, as claimed.*

Because of the above-discussed deficiencies of the references of record, Applicants respectfully submit that claim 1 is in condition for allowance. Claims 4-7 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. Independent claims 8, 15, and 26 recite features similar to those of claim 1 discussed above. Hence, for reasons similar to those given above for claim 1, Applicants respectfully submit that independent claims 8, 15, and 26 distinguish over the references of record and are in condition for allowance. Claims 11-14, 18-25, and 27-31 depend from one of these independent claims and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

Claims 2, 3, 9, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman ‘515 in view of Shahar and Chapman (US Patent No. 7349430), hereinafter referred to as Chapman ‘430. As mentioned above, Chapman ‘430 and Chapman ‘515 do not overcome the deficiencies of Shahar discussed above. Claims 2, 3, 9, 10, 16, and 17 depend from independent claim 1, 8, or 15 discussed above, and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

#### **New Claims**

Claims 32-35 have been newly added. Support for the new claims may be found on page 1, line 23-page 2, line 5 of the specification as originally filed, among other places. Dependent claims 32-35 depend from independent claims 1, 8, 15, and 26, respectively, and are

distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

**CONCLUSION**

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: May 10, 2011

By: /Surendra K. Ravula/  
Surendra K. Ravula  
Registration No. 65,588  
10 S. Wacker Dr., Suite 3000  
Chicago, IL 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001